

Schary, Claire

From: Schary, Claire
Sent: Friday, November 22, 2013 5:25 PM
To: Bobby Cochran; Carrie Sanneman
Cc: Rose, Bob; Gable, Kelly; Psyk, Christine; Steiner-Riley, Cara
Subject: EPA comments on Nov 12 2013 Draft Discussion Guide - Baseline Section
Attachments: Discussion Guide_Baseline Memo and Draft Best Practice_2013 11 12 - Schary + Rose comments.docx

Bobby & Carrie,

As Bobby knows from our phone call this afternoon, Christine Psyk, Bob Rose, and I have substantial concerns with the Baseline section of the draft Discussion Guide, dated Nov. 12, 2013, that you sent to the members of the JRA workgroup for early comment and feedback. We shared with you the significance of our concerns and strongly recommended that the memo prepared by The Freshwater Trust that served as the first part of this section's draft materials be deleted from the package that will be used at the meeting Dec. 2-3. We don't think it is an appropriate or constructive document to use in this meeting nor is it representative of the type of analysis and subsequent recommendations that we thought this project was pursuing.

On our phone call, we recommended the second part of the draft Baseline section undergo substantial editing, and perhaps be reworked altogether to indicate the differences in each state's programs and policies regarding nonpoint sources and implementation of Load Allocations. We also discussed how EPA cannot provide the legal answers that the discussion may require in this document or at the meeting as the document has not been reviewed by our attorney.

To help convey our concerns, here are comments from me and Bob Rose (in OW's Immediate Office) on the Nov. 12, 2013 draft of the Discussion Guide's Baseline section. We did not provide comment on the Freshwater Trust memo because we don't think it should be used in the meeting materials or as part of the project's documents. We inserted our comments and some suggested edits in Track Changes, which given the sheer number of comments we made, will make it very challenging to read. It shows that we have a lot of concerns with this document. Also, our comments haven't been reviewed by an EPA attorney, so please understand that it should not be considered a full and complete response but the basis for a conversation about our concerns with the document.

Thank you for your consideration of our comments, as well as your thoughtful and hard work on this project, and we look forward to an interesting discussion at the December meeting.

-- Claire

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